

Bill No. SB 1286

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586-1802A-06

Proposed Committee Substitute by the Committee on Children and Families

1 A bill to be entitled

2 An act relating to substance abuse and mental

3 health services; amending s. 394.655, F.S.;

4 revising the duties of the Florida Substance

5 Abuse and Mental Health Corporation; requiring

6 the corporation to ensure the provision of

7 services that promote recovery and

8 resiliency-based systems of care; requiring

9 that certain members appointed to the

10 corporation be primary consumers of mental

11 health or substance abuse services or family

12 members of primary consumers of such services;

13 defining the term "primary consumer"; delaying

14 the date when provisions establishing the

15 corporation are scheduled to expire; amending

16 s. 394.66, F.S.; revising and providing

17 additional legislative intent with respect to

18 the substance abuse and mental health services

19 provided by the Department of Children and

20 Family Services and its providers; requiring

21 that continuity of care be ensured for persons

22 having a mental illness who are released from a

23 state correctional facility; providing an

24 effective date.

25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsections (3), (6), and (11) of section

29 394.655, Florida Statutes, are amended to read:

30 394.655 The Substance Abuse and Mental Health

31 Corporation; powers and duties; composition; evaluation and

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1 reporting requirements.--

2 (3)(a) The Florida Substance Abuse and Mental Health
3 Corporation shall direct efforts designed to improve
4 interagency coordination of substance abuse and mental health
5 services in order to ensure that these services promote
6 recovery and resiliency-based systems of care. The corporation
7 shall provide oversight of the publicly funded substance abuse
8 and mental health systems and make policy and resource
9 recommendations that will promote system transformation by
10 providing mechanisms for input from stakeholders, including
11 primary consumers, family members, providers, and advocates,
12 concerning the management of the overall system, and that be
13 ~~responsible for oversight of the publicly funded substance~~
14 ~~abuse and mental health systems and for making policy and~~
15 ~~resources recommendations which~~ will improve the coordination,
16 quality, and efficiency of the system.

17 (b) Subject to and consistent with direction set by
18 the Legislature, the corporation shall ~~exercise the following~~
19 ~~responsibilities:~~

20 1. Identify systemic needs for substance abuse and
21 mental health services and for recovery and resiliency-based
22 systems of care.

23 2. Identify specific needs for substance abuse and
24 mental health services and for recovery and resiliency-based
25 systems of care for each state agency that funds, purchases,
26 or provides such services. The corporation shall prepare
27 budget recommendations for submission to the appropriate
28 departments for consideration in the development of their
29 legislative budget requests and shall provide copies to the
30 Governor, the President of the Senate, and the Speaker of the
31 House of Representative for their consideration.

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3. Facilitate improved coordination and collaboration among state agencies that fund, purchase, or provide substance abuse or mental health services in order to support recovery and resiliency-based systems of care.

4. Identify impediments to implementing recovery and resiliency-based systems of care for substance abuse and mental health programs.

~~1. Review and assess the collection and analysis of needs assessment data as described in s. 394.82.~~

~~2. Review and assess the status of the publicly funded mental health and substance abuse systems and recommend policy designed to improve coordination and effectiveness.~~

~~3. Provide mechanisms for substance abuse and mental health stakeholders, including consumers, family members, providers, and advocates to provide input concerning the management of the overall system.~~

~~4. Recommend priorities for service expansion.~~

~~5. Prepare budget recommendations to be submitted to the appropriate departments for consideration in the development of their legislative budget requests and provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives for their consideration.~~

~~6. Review data regarding the performance of the publicly funded substance abuse and mental health systems.~~

~~7. Make recommendations concerning strategies for improving the performance of the systems.~~

~~8. Review, assess, and forecast substance abuse and mental health manpower needs and work with the department and the educational system to establish policies, consistent with the direction of the Legislature, which will ensure that the~~

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1 ~~state has the personnel it needs to continuously implement and~~
2 ~~improve its services.~~

3 (c)(b) The corporation shall work with the department
4 and the Agency for Health Care Administration to assure, to
5 the maximum extent possible, that Medicaid and
6 department-funded services are delivered in a coordinated
7 manner, using common service definitions, standards, and
8 accountability mechanisms.

9 (d)(c) The corporation shall also work with other
10 agencies of state government which provide, purchase, or fund
11 substance abuse and mental health programs and services in
12 order to work toward fully developed and integrated, when
13 appropriate, substance abuse and mental health systems that
14 reflect current knowledge regarding efficacy and efficiency
15 and use best practices identified within this state or other
16 states.

17 (e)(d) The corporation shall develop memoranda of
18 understanding that describe how it will coordinate with other
19 programmatic areas within the department and with other state
20 agencies that deliver or purchase substance abuse or mental
21 health services.

22 (6)(a) The corporation shall be comprised of 12
23 members, each appointed to a 2-year term, with not more than
24 three subsequent reappointments, except that initial
25 legislative appointments shall be for 3-year terms. Four
26 members shall be appointed by the Governor, four members shall
27 be appointed by the President of the Senate, and four members
28 shall be appointed by the Speaker of the House of
29 Representatives.

30 1. The four members appointed by the Governor must be
31 prominent community or business leaders, two of whom must have

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1 experience and interest in substance abuse and two of whom
2 must have experience and interest in mental health.

3 2. Of the four members appointed by the President of
4 the Senate, one member must represent the perspective of
5 community-based care under chapter 409, one member must be a
6 primary consumer ~~former client~~ or family member of a primary
7 consumer of ~~client of a publicly funded~~ mental health services
8 program, and two members must be prominent community or
9 business leaders, one of whom must have experience and
10 interest in substance abuse and one of whom must have
11 experience and interest in mental health.

12 3. Of the four members appointed by the Speaker of the
13 House of Representatives, one member must be a primary
14 consumer ~~former client~~ or family member of a primary consumer
15 of ~~client of a publicly funded~~ substance abuse services
16 program, one member must represent the perspective of the
17 criminal justice system, and two members must be prominent
18 community or business leaders, one of whom must have
19 experience and interest in substance abuse and one of whom
20 must have experience and interest in mental health. The
21 Secretary of Children and Family Services, or his or her
22 designee, the Secretary of Health Care Administration, or his
23 or her designee, and a representative of local government
24 designated by the Florida Association of Counties shall serve
25 as ex officio members of the corporation.

26 (b) As used in this subsection, the term "primary
27 consumer" means a person who voluntarily identifies himself or
28 herself as a person who is currently receiving, or has in the
29 past received, mental health or substance abuse services from
30 a public or private provider or agency; who can articulate
31 shared experiences, such as stigmatization, psychotropic

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1 medications, suicidal ideation, seclusion or restraint,
2 benefit eligibility, trauma, or violence history, which are
3 similar to the experiences of other persons who have received
4 such services; and who voluntarily acts as an advocate for the
5 improvement of mental health or substance abuse services
6 through his or her vocation or avocation.

7 (c)~~(b)~~ The corporation shall be chaired by a member
8 designated by the Governor who may not be a public sector
9 employee.

10 (d)~~(c)~~ Persons who derive their income from resources
11 controlled by the Department of Children and Family Services
12 or the Agency for Health Care Administration may not be
13 members of the corporation.

14 (e)~~(d)~~ The Governor, the President of the Senate, and
15 the Speaker of the House of Representatives shall make their
16 respective appointments within 60 days after the effective
17 date of this act.

18 (f)~~(e)~~ A member of the corporation may be removed by
19 the appointing party for cause. Absence from three consecutive
20 meetings shall result in automatic removal. The chairperson of
21 the corporation shall notify the appointing party of such
22 absences.

23 (g)~~(f)~~ The corporation shall develop bylaws that
24 describe how it will conduct its work.

25 (h)~~(g)~~ The corporation shall meet at least quarterly
26 and at other times upon the call of its chair. Corporation
27 meetings may be held via teleconference or other electronic
28 means.

29 (i)~~(h)~~ A majority of the total current membership of
30 the corporation constitutes a quorum of the corporation. The
31 corporation may only meet and take action when a quorum is

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1 present.

2 ~~(j)(i)~~ Within resources appropriated by the
3 Legislature and other funds available to the corporation, the
4 chairperson of the corporation may appoint advisory committees
5 to address and advise the corporation on particular issues
6 within its scope of responsibility. Members of advisory
7 committees are not subject to the prohibition in paragraph
8 (c).

9 ~~(k)(j)~~ Members of the corporation and its committees
10 shall serve without compensation but are entitled to
11 reimbursement for travel and per diem expenses pursuant to s.
12 112.061.

13 ~~(l)(k)~~ Each member of the corporation who is not
14 otherwise required to file a financial disclosure statement
15 pursuant to s. 8, Art. II of the State Constitution or s.
16 112.3144 must file disclosure of financial interests pursuant
17 to s. 112.3145.

18 (11) This section expires on October 1, 2011 ~~2006~~,
19 unless reviewed and reenacted by the Legislature before that
20 date.

21 Section 2. Section 394.66, Florida Statutes, is
22 amended to read:

23 394.66 Legislative intent with respect to substance
24 abuse and mental health services.--It is the intent of the
25 Legislature to:

26 (1) Ensure that a recovery and resiliency-based
27 substance abuse and mental health system is implemented by the
28 department and its state-funded mental health providers.

29 ~~(2)(i)~~ Recognize that mental illness and substance
30 abuse impairment are diseases that are responsive to medical
31 and psychological interventions and management that integrate

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1 treatment, rehabilitative, and support services to achieve
2 recovery ~~quality and cost-efficient outcomes for clients and~~
3 ~~for community-based treatment systems.~~

4 ~~(3)(2)~~ Promote and improve the mental health of the
5 citizens of the state by making substance abuse and mental
6 health treatment and support services available to those
7 persons who are most in need and least able to pay, through a
8 community-based system of care.

9 ~~(4)(3)~~ Involve local citizens in the planning of
10 substance abuse and mental health services in their
11 communities.

12 ~~(5)(4)~~ Ensure that the department and the Agency for
13 Health Care Administration work cooperatively in planning and
14 designing comprehensive community-based substance abuse and
15 mental health programs that focus on the individual needs of
16 persons served ~~clients.~~

17 ~~(6)(5)~~ Ensure that all activities of the Department of
18 Children and Family Services and the Agency for Health Care
19 Administration, and their respective contract providers,
20 involved in the delivery of substance abuse and mental health
21 treatment and prevention services are coordinated and
22 integrated with other local systems and groups, public and
23 private, such as juvenile justice, criminal justice, child
24 protection, and public health organizations; school districts;
25 and local groups or organizations that focus on services to
26 older adults.

27 ~~(7)(6)~~ Provide access to crisis services to all
28 residents of the state with priority of attention being given
29 to individuals exhibiting symptoms of acute mental illness or
30 substance abuse.

31 ~~(8)(7)~~ Ensure that services provided to persons with

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1 co-occurring mental illness and substance abuse problems be
2 integrated across treatment systems.

3 ~~(9)(8)~~ Ensure continuity of care, consistent with
4 minimum standards, for persons who are released from a state
5 treatment facility into the community.

6 (10) Ensure continuity of care, consistent with
7 minimum standards, for persons with serious and persistent
8 mental illnesses who are released from a state correctional
9 facility into the community.

10 ~~(11)(9)~~ Provide accountability for service provision
11 through statewide standards for treatment and support
12 services, and statewide standards for management, monitoring,
13 and reporting of information.

14 ~~(12)(10)~~ Include substance abuse and mental health
15 services as a component of the integrated service delivery
16 system of the Department of Children and Family Services.

17 ~~(13)(11)~~ Ensure that the districts of the department
18 are the focal point of all substance abuse and mental health
19 planning activities, including budget submissions, grant
20 applications, contracts, and other arrangements that can be
21 effected at the district level.

22 ~~(14)(12)~~ Organize and finance community substance
23 abuse and mental health services in local communities
24 throughout the state through locally administered service
25 delivery programs that are based on client outcomes, are
26 programmatically effective, and are financially efficient, and
27 that maximize the involvement of local citizens.

28 ~~(15)(13)~~ Promote best practices and the highest
29 quality of care in contracted alcohol, drug abuse, and mental
30 health services through achievement of national accreditation.

31 ~~(16)(14)~~ Ensure that the state agencies licensing and

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1 monitoring contracted providers perform in the most
2 cost-efficient and effective manner with limited duplication
3 and disruption to organizations providing services.

4 Section 3. This act shall take effect upon becoming a
5 law.

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